

EXHIBIT 16

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

IN RE PACIFIC FERTILITY )  
 CENTER LITIGATION, ) Case No. 3:18-cv-01586-JSC  
 )  
 )  
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VIDEOTAPED & VIDEOCONFERENCED DEPOSITION of  
 HANA LAMB  
 September 29, 2020

CHERREE P. PETERSON, RPR, CRR, CSR No. 11108  
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VIDEOTAPED & VIDEOCONFERENCED DEPOSITION of  
HANA LAMB, taken on behalf of Defendant Chart, Inc.,  
remotely beginning at 7:32 a.m. Pacific Time, Tuesday,  
September 29, 2020, before CHERREE P. PETERSON, RPR,  
CRR, Certified Shorthand Reporter No. 11108.

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A P P E A R A N C E S (Cont.)

THE VIDEOGRAPHER:

PHILIP KNOWLES

1 and nothing comes out," where would it be coming out  
2 that you could visually see that?

3 A. Through a hose.

4 MR. TARANTINO: Objection. Mischaracterizes  
08:19 5 testimony.

6 THE WITNESS: Through the hose.

7 Q. BY MR. DUFFY: Oh, the manual fill hose?

8 A. Uh-huh.

9 Q. Is that a yes?

08:19 10 A. Yes. Sorry.

11 Q. No, that's all right. And have you had  
12 occasions when you came to the tank room and tested the  
13 supply can and initiated a manual fill into a bucket  
14 where nothing came out?

08:19 15 A. Yes.

16 Q. Did that happen in February of 2018, to your  
17 memory?

18 A. I don't -- I don't know.

19 Q. How about in March of 2018, did you ever go  
08:19 20 into the tank room and initiate a manual fill into a  
21 bucket and nothing came out of the supply can?

22 A. I don't remember. I don't remember any  
23 specifics. I know it happened, but I couldn't tell you  
24 when.

08:20 25 Q. In those instances where you tried -- where you

1 initiated a fill manually into a bucket and nothing came  
2 out, was that supply can connected to the plumbing  
3 system feeding into the IVF lab?

4 MR. TARANTINO: Objection. Lacks foundation.  
08:20 5 Calls for speculation. Assumes facts.

6 THE WITNESS: No. They're different systems.

7 Q. BY MR. DUFFY: Okay. So the supply tank that  
8 you would test for the level by initiating a manual fill  
9 into a bucket was not a fill tank connected to the  
08:20 10 plumbing system?

11 MR. TARANTINO: Objection. Mischaracterizes  
12 testimony. Lacks foundation.

13 THE WITNESS: So we had tanks for the plumbing  
14 system, as you call it, and then we had our manual fill  
08:20 15 tank.

16 Q. BY MR. DUFFY: Okay. I see. Had you ever  
17 checked the level of a LN2 supply tank that was  
18 connected to the plumbing system for the tanks in the  
19 IVF lab and had that -- have no LN2 in it?

08:21 20 MR. TARANTINO: Objection. Vague.  
21 Speculation.

22 THE WITNESS: Yes.

23 Q. BY MR. DUFFY: When did that happen?

24 A. I don't know.

08:21 25 Q. Was it a frequent occurrence?

1 MR. TARANTINO: Objection. Vague.

2 THE WITNESS: No.

3 Q. BY MR. DUFFY: If you could provide me your  
4 best estimate the number of times where you tested a  
08:21 5 level of LN2 in a supply can connected to the plumbing  
6 and discovered that there was no LN2 in the supply can?

7 MR. TARANTINO: Objection. Vague.  
8 Speculation.

9 THE WITNESS: Maybe, like, four or five times.  
08:21 10 And also they were all after the Tank 4 incident.

11 Q. BY MR. DUFFY: Okay. So it's your memory,  
12 then, that these incidents where there was no supply of  
13 liquid nitrogen in those supply tanks feeding into the  
14 plumbing system for the IVF lab all took place after the  
08:21 15 March 4 incident?

16 MR. TARANTINO: Objection. Mischaracterizes  
17 testimony. Vague.

18 THE WITNESS: Yeah. I'm not sure, but yeah.

19 Q. BY MR. DUFFY: Is it -- is it possible that in  
08:22 20 some of those instances where the supply cans supplying  
21 the tanks in the IVF lab went dry occurred before the  
22 incident?

23 MR. TARANTINO: Objection. Objection. Asked  
24 and answered. Mischaracterizes testimony.

08:22 25 THE WITNESS: Maybe. I don't remember.



1 Q. BY MR. DUFFY: In those situations where you  
2 observed that a supply tank supplying the tanks in the  
3 IVF lab had gone dry, what did you do about that?

4 MR. TARANTINO: Objection. Mischaracterizes  
08:22 5 testimony. Lacks foundation. Speculation. Assumes  
6 facts.

7 THE WITNESS: We'd switch out the empty with  
8 the full.

9 Q. BY MR. DUFFY: Okay. And that would allow,  
08:22 10 then, a supply to feed the tanks in the IVF lab; is that  
11 right?

12 MR. TARANTINO: Objection. Lacks foundation.  
13 Speculation.

14 THE WITNESS: Yes.

08:23 15 Q. BY MR. DUFFY: And did you inform anyone in the  
16 lab that one of the supply tanks supplying the tanks in  
17 the IVF lab had gone dry?

18 MR. TARANTINO: Objection. Assumes facts.  
19 Speculation.

08:23 20 THE WITNESS: Probably. I don't remember  
21 specifically. Yeah.

22 Q. BY MR. DUFFY: Who would normally -- who would  
23 normally be the person you would report that condition  
24 to?

08:23 25 A. Joe or Erin.

DEPOSITION OFFICER'S CERTIFICATE

STATE OF CALIFORNIA       )  
  ) ss.  
COUNTY OF CONTRA COSTA   )

I, CHERREE P. PETERSON, hereby certify:

I am a duly qualified Certified Shorthand  
Reporter in the State of California, holder of  
Certificate Number CSR 11108 issued by the Certified Court  
Reporters' Board of California and which is in full  
force and effect. (Fed. R. Civ. P. 28(a)(1)).

I am authorized to administer oaths or  
affirmations pursuant to California Code of Civil  
Procedure, Section 2093(b) and prior to being examined,  
the witness was first duly sworn by me. (Fed. R. Civ.  
P. 28(a)(a)).

I am not a relative or employee or attorney or  
counsel of any of the parties, nor am I a relative or  
employee of such attorney or counsel, nor am I  
financially interested in this action. (Fed. R. Civ. P.  
28).

I am the deposition officer that  
stenographically recorded the testimony in the foregoing  
deposition and the foregoing transcript is a true record

/ / /

1 of the testimony given by the witness. (Fed. R. Civ. P.  
2 30(f)(1)).

3 Before completion of the deposition, review of  
4 the transcript [xx] was [ ] was not requested. If  
5 requested, any changes made by the deponent (and  
6 provided to the reporter) during the period allowed, are  
7 appended hereto. (Fed. R. Civ. P. 30(e)).

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9 Dated: October 1, 2020

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